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**UNITED STATES DISTRICT COURT**

# CENTRAL DISTRICT OF CALIFORNIA

SHOSH YONAY, an individual, and  
YUVAL YONAY, an individual,

### **Plaintiffs,**

V.

PARAMOUNT PICTURES  
CORPORATION, a Delaware  
corporation.

**Defendant.**

Case No. 2:22-CV-3846-PA-GJS

**JOINT STIPULATION  
REGARDING MODIFICATION  
OF TRIAL AND PRETRIAL  
DATES**

District Judge: Hon. Percy Anderson  
Magistrate Judge: Hon. Gail J. Standish

## STIPULATION

Plaintiffs Shosh Yonay and Yuval Yonay (“Plaintiffs”) and Defendant Paramount Pictures Corporation (“PPC” or “Defendant”) (collectively, the “Parties”) stipulate as follows:

**WHEREAS**, in the initial scheduling order in this case, the Court “order[ed] that discovery is to be bifurcated into liability and damages phases and stay[ed] damages discovery until the Court rules on Defendant’s anticipated motion for summary judgment on liability, or until further order of the Court.” Dkt. 30 at 2.

**WHEREAS**, the Parties have filed cross-motions for summary judgment, which are currently pending before the Court.

**WHEREAS**, the damages expert report deadline is currently set for March 18, 2024, with rebuttal damages expert reports due on April 8, 2024, and damages discovery is currently set to close on May 6, 2024.

**WHEREAS**, no trial schedule is currently set.

**WHEREAS**, the outcome of the Parties' cross-motions for summary judgment will necessarily impact the nature and scope of damages discovery, if any, and the analyses of the Parties' anticipated damages experts.

**WHEREAS**, damages discovery would involve a “high degree of complexity” and disputes requiring court intervention, as “[o]ne of the most difficult problems in the computation of profits for which the defendant is liable arises when the infringing work inextricably intermingles noninfringing material with plaintiff’s protectable material.” *See Bassil v. Webster*, 2021 WL 1235258, at \*2-3 (C.D. Cal. Jan. 15, 2021).

**WHEREAS**, damages discovery further implicates Paramount Pictures' sensitive and confidential financial information regarding the blockbuster movie, *Top Gun: Maverick*.

**WHEREAS**, under the current schedule, damages discovery needs to

1 commence immediately and prior to any ruling by the Court on the Parties'  
2 cross-motions for summary judgment, as the Parties need to propound written  
3 discovery requests, respond to those requests, resolve any disputes with respect  
4 thereto, and conduct in-depth expert discovery.

5       **WHEREAS**, the requested modification to the case schedule will not  
6 meaningfully delay the overall progress of the case and may actually increase  
7 the efficient progression of the case.

8       Based on the foregoing, **IT IS HEREBY STIPULATED** by and between  
9 the Parties, through their respective counsel of record, subject to the Court's  
10 approval, that:

11       1.      The current damages discovery deadlines shall be continued by two  
12 (2) months, such that the deadline to complete damages discovery shall be  
13 continued to July 8, 2024, the damages expert report deadline shall be continued  
14 to May 20, 2024, and the rebuttal damages expert report deadline shall be  
15 continued to June 10, 2024.

16       2.      Following the resolution of the Parties' pending cross-motions for  
17 summary judgment, to the extent necessary, the Parties shall promptly meet and  
18 confer and submit a proposed schedule for the balance of the schedule.

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1 Date: January 25, 2024

**O'MELVENY & MYERS LLP**

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17 Date: January 25, 2024

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## **SIGNATURE ATTESTATION**

Pursuant to CACD Local Rule 5-4.3.4(a)(2)(i), I certify that I have obtained authorization to file this document from the other signatories to this document and that all other signatories have authorized placement of their electronic signature on this document.

Date: January 25, 2024

## O'MELVENY & MYERS LLP

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